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PATENT

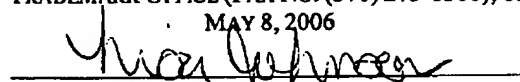
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Inventor(s):</b> Clifton A. Alferness	<b>Examiner:</b> GETZOW, Scott M.
<b>Appln. No.:</b> 10/810,099	<b>Group Art Unit:</b> 3762
<b>Filing Date:</b> March 26, 2004	<b>Confirmation No.:</b> 8202
<b>Title:</b> CARDIAC REINFORCEMENT DEVICE	<b>Customer No.:</b> 25764
	<b>Docket No.</b> 59013-331601

**Mail Stop Amendment**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

I CERTIFY THAT THIS CORRESPONDENCE IS BEING  
FACSIMILE TRANSMITTED TO THE U.S. PATENT AND  
TRADEMARK OFFICE (FAX NO. (571) 273-8300), ON

MAY 8, 2006

  
LISA JOHNSON**AMENDMENT AND RESPONSE**

This Amendment and Response is in reply to the outstanding Office Action mailed January 6, 2006, and includes the following sections:

1. Introductory Comments beginning on page 2 of this paper;
2. Amendments to the Claims beginning on page 3 of this paper; and
3. Remarks beginning on page 5.

Also enclosed are the following documents:

1. Request for One-Month Extension of Time;
2. Credit Card Payment Form for the extension of time and terminal disclaimer fees;
3. Terminal Disclaimer over pending applications; and
4. Terminal Disclaimer over issued patents.

Should any additional fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

10/810,099  
Amendment Dated: May 8, 2006  
Reply to Office Action of January 6, 2006  
Docket No.: 59013-331601  
Page 2

### **INTRODUCTORY COMMENTS**

This communication is responsive to the outstanding Office Action mailed on January 6, 2006. Claims 28-34 are pending in the current application. In the above-identified Office Action, the Examiner rejected claims 28-34.

By this Amendment and Response, the Applicant hereby submits terminal disclaimers to obviate rejections on the ground of nonstatutory obviousness-type double patenting. Also by this Amendment and Response, the Applicant has amended claim 28 to correct a typographical error in the claim as originally presented. The Applicant traverses the Examiner's rejection of claims 28-34 under 35 U.S.C. § 102(e). Reconsideration and allowance of claims 28-34 in view of the terminal disclaimers and accompanying Remarks is respectfully requested.